

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2231**

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**Introduced by Assembly Member Fuentes**  
(Principal coauthor: Senator Padilla)

February 24, 2012

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An act to amend Section 5611 of the Streets and Highways Code, relating to sidewalks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2231, as amended, Fuentes. Sidewalks: repairs.

Existing law requires the owners of lots or portions of lots fronting on any portion of a public street or place to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner.

Existing law requires the superintendent of streets, as defined, to provide specified notice to the owner or person in possession of the property fronting on that portion of the sidewalk so out of repair or pending reconstruction, to repair the sidewalk. Under existing law, if the repair is not commenced within 2 weeks after the notice has been provided, the superintendent of streets shall make the repair and the cost of the repair shall be imposed as a lien on the property.

This bill would require a city, county, or city and county to repair any sidewalk out of repair or pending reconstruction if that sidewalk is owned by the local entity, or if the repairs are required as a result of damage caused by plants or trees. ~~The bill would provide that, if the local entity fails to carry out the repairs, the local entity shall be liable~~

~~for any injury resulting from the failure to repair.~~ The bill would prohibit a city, county, or city and county from imposing an assessment for these sidewalk repairs against the owner of private property fronting on any portion of a sidewalk. The bill would make these provisions applicable to charter cities and counties.

By imposing new duties on cities, counties, and cities and counties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5611 of the Streets and Highways Code  
2 is amended to read:

3 5611. (a) When any portion of the sidewalk is out of repair or  
4 pending reconstruction and in condition to endanger persons or  
5 property or in condition to interfere with the public convenience  
6 in the use of the sidewalk, the superintendent of streets shall notify  
7 the owner or person in possession of the property fronting on that  
8 portion of the sidewalk so out of repair, to repair the sidewalk.

9 (b) Notwithstanding subdivision (a) or any other provision of  
10 this article, when any portion of any sidewalk is out of repair or  
11 pending reconstruction and is in a condition to endanger persons  
12 or property or is in a condition to interfere with the public  
13 convenience in the use of that sidewalk, a city, county, or city and  
14 county shall repair that sidewalk, if (1) that sidewalk is owned by  
15 that city, county, or city and county, or (2) the repairs are required  
16 as a result of damage caused by plants or trees.

17 ~~(c) If the city, county, or city and county fails to perform the~~  
18 ~~repairs required under subdivision (b), the city, county, or city and~~  
19 ~~county shall be liable for any injury resulting from the failure to~~  
20 ~~repair.~~

21 (d)

1     (c) No city, county, or city and county shall impose an  
2     assessment against the private owner of the property fronting on  
3     any portion of a sidewalk for sidewalk repairs under this section.

4     ~~(e)~~

5     (d) The Legislature finds and declares that this section  
6     constitutes a matter of statewide concern, and shall apply to charter  
7     cities and charter counties. The provisions of this section shall  
8     supersede any inconsistent provisions in the charter of any county  
9     or city.

10    SEC. 2. If the Commission on State Mandates determines that  
11    this act contains costs mandated by the state, reimbursement to  
12    local agencies and school districts for those costs shall be made  
13    pursuant to Part 7 (commencing with Section 17500) of Division  
14    4 of Title 2 of the Government Code.